IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3328 OF 2006

Rajnish Vijay Ghagh ... Applicant
versus
State of Maharashtra ... Respondent

Atul G. Damle for applicant.
Mrs.M.H.Mhatre, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th September 2006

PC :

1. The applicant is arrested on 18th April 2006. He is presently in custody. The applicant is alleged to have committed offences of cheating and forgery. The allegation is that he along with others has been involved in the offence. The applicant is supposed to have promised the complainant and others that they would be allotted tenements from 10% Government Quota. Such tenements are constructed by MHADA.. The applicants have on the basis of such false representation and on the strength of documents which are fabricated, collected sums in cash and by cheques and therefore, the Economic Offence

Wing has proceeded against the applicant.

2. The investigations are complete and the charge sheet is filed but the learned Trial Judge refused to enlarge the applicant on bail only on the ground that it would be difficult to secure his attendance. His pass port is issued by Thane Office but it was not found during search of his office and residence. Further, the applicant has no place of residence and the premises which he was occupying have been sold. It appears that he was residing with his uncle.

3. On the last occasion I enquired from the APP as to whether the applicant’s uncle is really residing at the address mentioned by the applicant and whether he has any proof of residence.

4. The applicant is related to one Ramesh Mahadev Mohite. The sister-in-law of Ramesh Mahadev Mohite is the Aunt of the applicant. Although the relation is distinct, the said person has stated that he knows the applicant for last four years and he has met him on three or four occasions.

5. Further, Ramesh Mohite has stated that he resides at Kokani Pada, Pokharan Road No.2., Thane. He is conducting a small business. The Investigating Officer has verified this fact but has stated that the construction undertaken by the said Ramesh Mohite is without permission and approval of the Corporation.

6. Shri Damle appearing for the applicant states that the applicant's passport is now traced and same will now be immediately handed over to the Investigating Officer. Further, the applicant would, upon release, reside at the address given by Ramesh Mohite in his affidavit dated 25th August 2006 i.e. at Shraddha Niwas, Balkum Pada No.2, near Water Tank, Thane (W) 400 606 and would report to the Police Station on such date and at such time as may be stipulated by this Court. He would not change his residential address without prior intimation to the Investigating Officer is the further statement made by the applicant.

7. In my view, considering the fact that the investigations are complete and charge sheet is filed and the applicant having no criminal antecedents so also a family to support, it would

be appropriate to release the applicant on bail on the following terms.

8. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.35 of 2006 registered with Economic Offences Wing II, Mumbai subject to furnishing a personal bond of Rs.10,000/- (Rs.Ten thousand only) with one or two local sureties in the like sum;

(ii) The applicant to report to the Economic Offences Wing-II, Mumbai twice a week between 05.00 to 07.00 p.m.;

(iii) The applicant shall submit his passport to the Investigating Agency before his release;

(iv) The applicant shall reside at the address mentioned in para 6 above after release on bail and during pendency of trial. He shall not change his address without prior intimation to the Investigating Agency;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly,

make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(vi) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)